

BYLAW NUMBER 179D2015

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2012-0101)**

WHEREAS it is desirable to amend the Land Use Bylaw Number 1P2007 to change the land use designation of certain lands within the City of Calgary;

AND WHEREAS Council has held a public hearing as required by Section 692 of the Municipal Government Act, R.S.A. 2000, c.M-26 as amended;


NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Map shown as shaded on Schedule "B" to this Bylaw, including any land use designation, or specific land uses and development guidelines contained in the said Schedule "B".
2. This Bylaw comes into force on the date it is passed.


READ A FIRST TIME THIS 6TH DAY OF DECEMBER, 2016.

READ A SECOND TIME, AS AMENDED, THIS 6TH DAY OF DECEMBER, 2016.

READ A THIRD TIME, AS AMENDED, THIS 12TH DAY OF NOVEMBER, 2018.

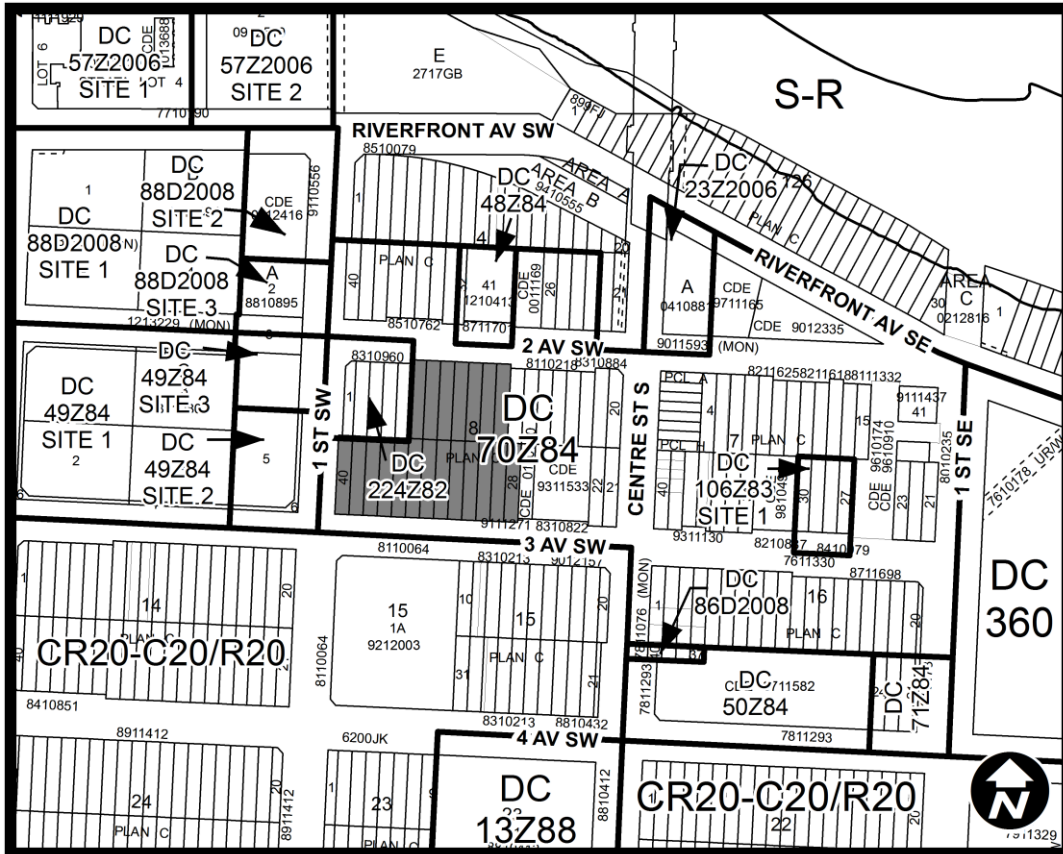


MAYOR
SIGNED THIS 13TH DAY OF NOVEMBER, 2018.

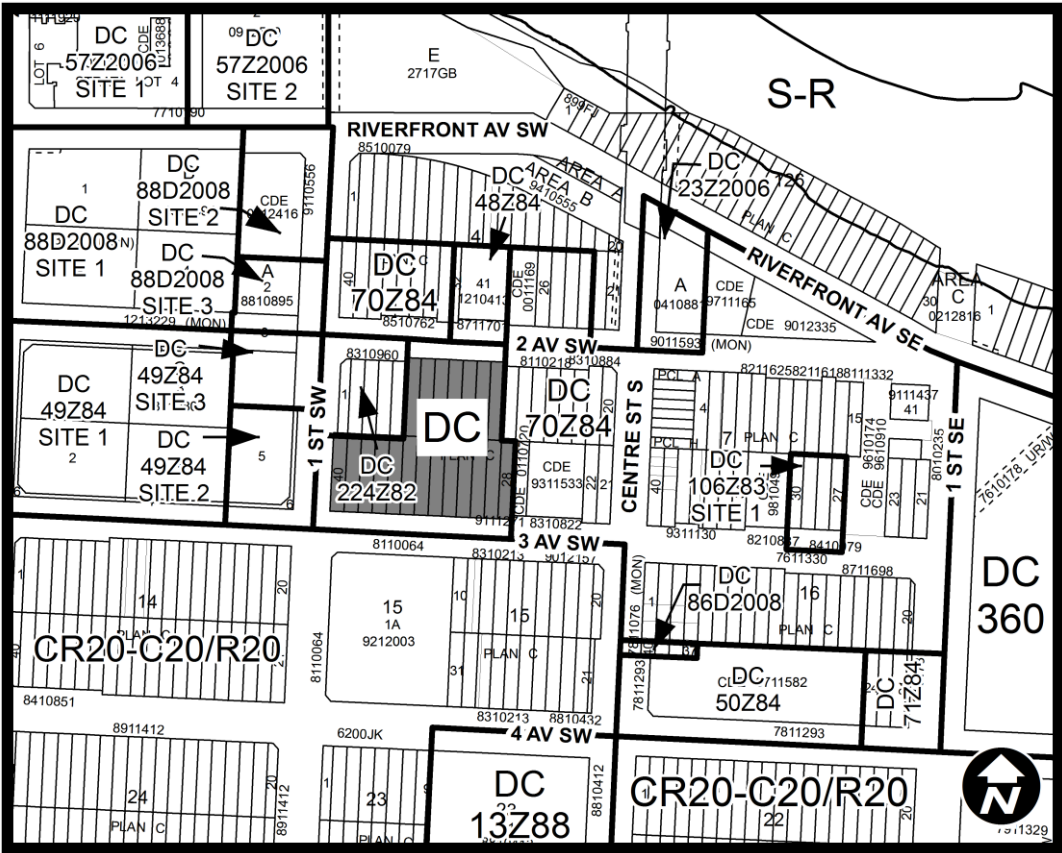


ACTING CITY CLERK
SIGNED THIS 13TH DAY OF NOVEMBER, 2018.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) provide for a high **density** mixed **use development**, and
 - (b) has a maximum base **density** with the opportunity for a **density** bonus to achieve a commercial residential mixed **use**, public benefit and amenities within the Chinatown community.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Defined Uses

- 4 In this Direct Control District:

(a) **“Residential Sales Centre”**

- (i) means a *use*:

(A) where *units* are offered for sale to the public;

(B) that may include sales **offices** and displays of materials used in the construction of the *units* that are offered for sale; and

(C) that must only occur:

(a) in a *unit*, which may be temporarily modified to accommodate the *use*; or

(b) in a temporary *building*;

(ii) must not operate for longer than four (4) years;

(iii) does not require *motor vehicle parking stalls*; and

(iv) does not require *bicycle parking stalls – class 1 or class 2*;

- (b) **“Tong House”** means a Chinese family affinity meeting hall which may also provide rooming accommodation with shared washing and cooking facilities.

Permitted Uses

- 5 The *permitted uses* of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

Uses

- 6 The *discretionary uses* of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District;

- (a) with the addition of:

(i) **Residential Sales Centre**;

(ii) **Tong House**; and

- (b) with the exclusion of:
 - (i) **Beverage Container Quick Drop Facility;**
 - (ii) **Medical Marihuana Counselling;**
 - (iii) **Pawn Shop;** and
 - (iv) **Payday Loan.**

Bylaw 1P2007 District Rules

7 Unless otherwise specified, the rules of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

8 In this Direct Control District:

- (a) The maximum ***floor area ratio*** is:
 - (i) 3.0; and
 - (ii) the maximum ***floor area ratio*** in subsection (i) may be increased by up to an additional ***floor area ratio*** of 9.0 when this additional floor area is used for **Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development, Hotel and Tong House uses**; and
 - (iii) the maximum ***floor area ratio*** referenced in subsection (i) may be increased by up to an additional ***floor area ratio*** of 5.0 when this additional floor area is provided in accordance with the bonus incentive provisions contained in Schedule C of this Direct Control District.
- (b) The cumulative maximum ***floor area ratio***, referenced in subsection (a), is 12.0.
- (c) The amount of additional ***gross floor area***, referenced in subsection (a)(iii), achieved by providing the requirements of the public amenity items in Schedule C are calculated as a ***floor area ratio***, an Incentive Ratio or an Incentive Rate.
- (d) An Incentive Rate indicates that the amount of additional ***gross floor area*** will be calculated by dividing either the cost of the provided public amenity item in Schedule C or the amount of the contribution to the fund, by the respective Incentive Rate as established by Council for the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007.
- (e) Unless otherwise specified, a public amenity item for which additional ***gross floor area*** has been achieved must be maintained on the ***parcel*** for so long as the ***development*** exists.
- (f) The ***Development Authority*** must determine whether a proposed amenity item is appropriate for the ***development***.

Mandatory Residential

8.1 A minimum of 60% of the **floor area ratio** for any **building** must be comprised of one or more of the following **uses**: **Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development** or **Tong House**.

Floor Plate Restrictions

9 Each floor of a **building** located partially or wholly above 36.0 metres above **grade** and containing one or more of **Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development, Hotel** and **Tong House uses** must not exceed a maximum:

- (a) **floor plate area** of 930.0 square metres; and
- (b) horizontal dimension of 44.0 metres.

Location of Uses

10 (1) The following **uses** must not be located on the ground floor of **buildings**:

- (a) **Catering Service – Minor;**
- (b) **Community Recreation Facility;**
- (c) **Counselling Service;**
- (d) **Health Services Laboratory – With Clients;**
- (e) **Indoor Recreation Facility;**
- (f) **Instructional Facility;**
- (g) **Medical Clinic;**
- (h) **Office;**
- (i) **Place of Worship – Small;**
- (j) **Radio and Television Studio; and**
- (k) **Service Organization.**

(2) Only those **uses** listed in the Residential Group of Schedule A to Bylaw 1P2007, with the inclusion of **Tong House** and exception of **Hotel**, may share a hallway with any other **use** in the Residential Group of Schedule A to Bylaw 1P2007 or **Tong House**.

(3) All **uses** must be contained completely within a **building**, with the exception of **Outdoor Café uses**.

(4) Only those **uses** listed in the Residential Group of Schedule A to Bylaw 1P2007, with the inclusion of **Tong House** and exception of **Hotel**, may share an area of a parking structure with any other **use** in the Residential Group of Schedule A to Bylaw 1P2007 or **Tong House**.

(5) All **uses** may share an entrance to areas of a parking structure.

(6) When not combined with other **uses** in a comprehensive **development** the **General Industrial – Light use** may only be located in a **building** that was legally existing or approved prior to the effective date of this Direct Control District Bylaw.

Use Area

- 11 (1) Unless otherwise referenced in this section, the maximum **use area** on the ground floor of a **building** is 465.0 square metres.
- (2) The maximum **use area** of a **Night Club** is 300.0 square metres of **public area**.
- (3) For a **Retail and Consumer Service, Supermarket**, or a **Supermarket** combined with any other **use**, the maximum **use area** on the ground floor of a **building** is 3000.0 square metres.
- (4) The following **uses** do not have a **use area** restriction:
- (a) **Addiction Treatment;**
 - (b) **Assisted Living;**
 - (c) **Custodial Care;**
 - (d) **Hotel;**
 - (e) **Place of Worship – Medium;**
 - (f) **Place of Worship – Small;**
 - (g) **Protective and Emergency Service;**
 - (h) **Residential Care;** and
 - (i) **Utility Building.**
- (5) Where a **building** is located on one or more **parcels** where the cumulative **parcel** area is greater than 1812.0 square metres, the cumulative **gross floor area** of **Office uses** on the ground floor of a **building** must not exceed the greater of:
- (a) 50.0 per cent of the of the **gross floor area** of the ground floor; or
 - (b) 550.0 square metres.

Retail Storage Frontage

- 11.1 The maximum width of an individual **Retail and Consumer Service frontage** is 15.0 metres.

Building Setbacks

- 12 The **front setback area** must have a minimum depth of 1.5 metres and a maximum depth of 3.0 metres.

Residential Window separation from Property Line

- 13 Windows for **Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development, Hotel and Tong House uses** must provide a minimum horizontal separation of:
- (a) 9.0 metres from a **property line** shared with another **parcel**; and
 - (b) 6.0 metres from a **property line** shared with a **lane**.

Required Motor Vehicle Parking Stalls

- 14 (1) Unless otherwise specified in this section, the minimum number of required **motor vehicle parking stalls, visitor parking stalls, bicycle parking stalls –**

class 1 and **bicycle parking stalls – class 2** is the requirement specified in the General Rules for Centre City Commercial Land Use Districts referenced in Part 11, Division 4 of Bylaw 1P2007.

- (2) There is no requirement for **motor vehicle parking stalls, visitor parking stalls** or **bicycle parking stalls – class 1** for **Computer Games Facility, Convenience Food Store, Food Kiosk, Liquor Store, Outdoor Café** and **Retail and Consumer Service** located on the ground floor of a **building** where:
- (a) the **building** contains a **Dwelling Unit, Hotel, Multi-Residential Development**, or **Office** located above the ground floor; or
 - (b) the **use area** is less than 465.0 square metres.
- (3) For a **Hotel**, the minimum number of required **motor vehicle parking stalls** is 1.0 per 3.0 guest rooms.
- (4) For all **uses** other than **Dwelling Units**:
- (a) a minimum of 75 percent and a maximum of 100 per cent of the required parking stalls must be provided on site unless limiting transportation and engineering constraints are demonstrated; and
 - (b) a cash-in-lieu payment must be provided for the difference between the total number of required parking stalls and the number of parking stalls provided within the **development**. Such payment will be based on the cost of constructing the required number and type of parking stalls in accordance with **Council's** policy and calculated at a rate per parking stall established by **Council** at the time payment is made.

Sunlight Protection

15 The following sunlight protection areas must not be placed in greater shadow by a **development** as measured on September 21, at the times and locations indicated for each area, than were already existing on the date the **development permit** was applied for:

- (a) the Riverbank (not including the Riverbank Promenade and between 3 and 7 Streets SW) as measured throughout the 20.0 metre wide area abutting the southern **top of bank** of the Bow River, from 10:00 a.m. to 4:00 p.m. Mountain Daylight Time;
- (b) the Riverbank Promenade (between 3 Street SW and Centre Street S.) as measured throughout the 9.0 metre wide area abutting the southern **top of bank** of the Bow River, from 10:00 a.m. to 4:00 p.m. Mountain Daylight Time;
- (c) the Sien Lok Park north of Riverfront Avenue SW between Centre Street NE and 1 Street SE, from 10:00 a.m. to 4:00 p.m. Mountain Daylight Time; and
- (d) the Sien Lok Park south of Riverfront Avenue SW between Centre Street NE and 1 Street SE, from 12:00 a.m. to 2:00 p.m. Mountain Daylight Time.

Building Height

- 16 (1) Unless otherwise specified in subsection (2), the maximum **building height** is 97 metres.
- (2) Within 20 metres of 2 Avenue SW, the maximum **building height** is 46 metres.

Podium Height

- 17 (1) Unless otherwise specified in subsection (2), the maximum podium height is 6 **storeys**.
- (2) Within 20 metres of 2 Avenue SW, the maximum podium height is 4 **storeys**.

Podium Design

- 18 The podium design must accommodate one or more of the following: at-grade pedestrian connectivity between 2 and 3 Avenues or from those **streets** individually into the site; sunlight penetration to the south side of 2 Avenue SW; or significant at-grade gathering space for public use.

Architectural Motifs

- 19 All buildings must incorporate Chinese or Asian motifs or architectural elements.

Articulation of the Building

- 20 Where facades face 2 Avenue SW or 3 Avenue SW, and are located at or below the sixth **storey**, the facade must incorporate a recess or projection every 7.5 metres of horizontal distance.

Street Walls

- 21 A minimum horizontal separation of **a minimum of 3.0 metres** is required from the facade of the podium which is shared with the **street** and portions of the **building** located above the podium.

Parking Lot-Grade (Temporary)

- 22 **Development Permits** for **Parking Lot – Grade (Temporary)** shall not be approved beyond December 31, 2027.

SCHEDULE C

Item No.	Public Amenity Items
1.1	<p>PUBLICLY ACCESSIBLE PRIVATE OPEN SPACE</p> <p>Publicly accessible private open space is defined as outdoor open space located on the development parcel that is made available to the public through a registered public access easement agreement acceptable to the Approving Authority, and is in a location, form, configuration and constructed in a manner acceptable to the Approving Authority.</p>
1.1.1	<p>The maximum incentive floor area ratio for this item is 2.0.</p>
1.1.2	<p>Incentive calculation:</p> <p>The allowable bonus floor area in square metres is equal to the total construction or restoration cost of the bonus earning item, divided by the average land value per square metre of buildable floor area multiplied by 0.75.</p> <p>Method:</p> <p>Allowable bonus floor area = total construction cost / Incentive Rate 1 (\$ X 0.75).</p>
1.1.3	<p>Requirements:</p> <p>A public open space includes the following:</p> <ul style="list-style-type: none"> (a) a location at grade or within 0.45 metres above or below <u>grade</u>; (b) a location adjacent to, and accessible from, a public sidewalk; (c) where the public open space shares a perimeter with a public sidewalk, hard surfaced landscaped area for a minimum of 40.0 per cent of that perimeter to enable direct pedestrian access from the sidewalk; (d) a building along a minimum of 70.0 per cent of one side of its perimeter; (e) a minimum contiguous area of the lesser of 10.0 per cent of the cumulative parcel area or: <ul style="list-style-type: none"> (i) 250.0 square metres for sites greater than or equal to 1812.0 square metres in area; or (ii) 150.0 square metres for sites of less than 1812.0 square metres in area;

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	<ul style="list-style-type: none"> (f) a depth that is not greater than 3.0 times the street frontage; (g) a maximum combined width of all entranceways to Office of the greater of: <ul style="list-style-type: none"> (i) 25.0 per cent of the building frontages forming the public square's perimeter; and (ii) 15.0 metres; (h) where mechanical systems or equipment are located inside the perimeter of the public open space, they must be screened and their surface areas are not included in the area calculation of the public open space; (i) public seating as individual fixed seats or bench seating; (j) hard surfaced areas that exceed any minimum standards for hard surfaced landscaped areas as established in this Bylaw; (k) a maximum cumulative total of 50.0 per cent of the area of the public square used as an Outdoor Café; (l) where an Outdoor Café is enclosed by a fence, a fence design that can be removed; and (m) ensured public access 24 hours a day, seven days a week through a public access agreement.
<p>1.2</p>	<p>PUBLIC ART – ON SITE</p> <p>Public art is publicly accessible art of any kind that is permanently suspended, attached to a wall or other surface, or otherwise integrated into a development. It is privately owned and must be an original piece of art in any style, expression, genre or media, created by a recognized artist.</p>
<p>1.2.1</p>	<p>The maximum incentive floor area ratio for this item is 1.0.</p>
<p>1.2.2</p>	<p>Incentive calculation:</p> <p>Where a development provides public art – on site the Incentive Rate is Incentive Rate 1 of Bylaw 1P2007.</p> <p>Method:</p> <p>Incentive gross floor area (square metres) = value of the artwork (\$) divided by Incentive Rate 1 (\$).</p>

<p>1.2.3</p>	<p>Requirements:</p> <p>Public art – on site includes the following:</p> <ul style="list-style-type: none"> (a) artwork, the minimum value of which must be \$200000.00 (b) the work of a recognized artist, i.e. created by a practitioner in the visual arts; (c) a location in a publicly accessible area; and (d) a minimum of 75.0 per cent of the artwork located either: <ul style="list-style-type: none"> (i) outdoors, at grade and visible from the public sidewalk; (ii) on the building’s exterior and visible from the public sidewalk; or (iii) in an indoor park and visible from the publicly accessible <u>landscaped areas</u> or the public sidewalk at all times.
<p>1.3</p>	<p>CONTRIBUTION TO CHINATOWN IMPROVEMENT FUND</p> <p>Financial contributions to a dedicated fund to be used to support off-site public realm improvements in Chinatown. Off site public realm improvements include, but are not limited to, improvements to public sidewalks, squares and parks and the acquisition of land for public squares and parks.</p>
<p>1.3.1</p>	<p>The maximum incentive floor area ratio for this item is 5.0.</p>
<p>1.3.2</p>	<p>Incentive calculation:</p> <p>Where a development provides a contribution to the Chinatown Improvement Fund, the applicable Incentive Rate is Incentive Rate 1 of the 1P2007 Bylaw.</p> <p>Method</p> <p>The incentive gross floor area (square metres) = contribution amount (\$) divided by Incentive Rate 1 (\$).</p>
<p>1.3.3</p>	<p>Requirements:</p> <p>A contribution must be made to the Chinatown Improvement Fund for the development.</p>